

Message Text

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14

ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-10 NSAE-00 PA-03

RSC-01 USIA-15 PRS-01 SPC-03 PM-07 OMB-01 H-03 DRC-01

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R 030959Z OCT 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8366

INFO CINCPAC

C O N F I D E N T I A L MANILA 11216

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: SENATOR DIOKNO'S RELEASE UNDER CONSIDERATION

SUMMARY. THE APPEARANCE IN LOCAL PRESS ON OCT 2 OF
NAME OF JOSE M. DIOKNO AMONG LIST OF DETAINEES RELEASED
"OVER WEEKEND" PROMPTED EMBASSY INQUIRIES AS TO WHETHER
THIS, IN FACT, MIGHT BE FORMER SENATOR JOSE W. DIOKNO.
CONFUSED RESPONSES TO EMBASSY INQUIRIES LEAVE SITUATION
AMBIGUOUS BUT SUGGEST FORMER SENATOR DIOKNO RELEASE MAY BE IN
OFFING IF HE IS PREPARED TO ACCEPT CERTAIN MARCOS CONDITIONS.
END SUMMARY

1. OCT 2 MANILA NEWSPAPERS CARRIED LIST OF 58 DETAINEES
RELEASED NATIONWIDE "OVER WEEKEND". NAME JOSE M. DIOKNO
APPEARS. NAME OF FORMER SENATOR AND SECRETARY OF JUSTICE IS
JOSE W. DIOKNO. NO PUBLICITY INDICATING THAT THIS DIOKNO WAS
THE FORMER SENATOR ACCOMPANIED STORIES.

2. EMBASSY INQUIRY BROUGHT RESPONSE FROM BRIG GEN FABIAN VER,
NATIONAL INTELLIGENCE SECURITY AGENCY DIRECTOR, THAT DIOKNO
BEING RELEASED AFTER ONE YEAR OF DETENTION. VER SAID
DIOKNO WAS BEING RELEASED UNDER HOUSE ARREST ON CONDITION THAT
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HE WOULD REFRAIN FROM POLITICAL ACTIVITY AND SUBMIT ALL WRITINGS

FOR CLEARANCE PRIOR PUBLICATION; VER ALSO STATED DIOKNO WOULD BE PERMITTED TO ENGAGE IN BUSINESS. HE FURTHER STATED THAT HE MIGHT BE ALLOWED TO VISIT THE UNITED STATES FOR MEDICAL TREATMENT. REASON GIVEN FOR RELEASE WAS DIOKNO'S MEDICAL CONDITION, FOR WHICH HE WAS RECENTLY HOSPITALIZED AT FORT BONIFACIO INFIRMARY FOR SEVERAL DAYS. DIOKNO WAS OPERATED UPON BY DR. DENTON COOLEY OF TEXAS HEART INSTITUTE IN MARCH 1972 FOR ARTERIOSCLEROSIS.

3. FURTHER CHECKING WITH DIOKNO'S LEGAL COUNSEL AND FAMILY BROUGHT NO CLARIFICATION OF ACTUAL OR PENDING RELEASE. WHEN QUESTIONED, SECRETARY ENRILE TOLD EMBOFF HE HAD SIGNED NO RELEASE AND HAD NO SUCH INTENTIONS. ENRILE REMARKED, HOWEVER, THAT DIOKNO WAS ILL AND THAT HE WOULD FAVOR HIS RELEASE.

4. COMMENT: WHILE DIOKNO STILL INCARCERATED, RESPONSES OF VER AND ENRILE STRONGLY SUGGEST HIS RELEASE IS UNDER ACTIVE CONSIDERATION AND, POSSIBLY, EVEN THAT DECISION HAS BEEN TAKEN TO RELEASE DIOKNO UNDER CONDITIONS DESCRIBED BY VER. WHETHER THE FORMER SENATOR WOULD ACCEPT THESE CONDITIONS IS OPEN TO QUESTION: IN PAST, HE HAS ASSERTED INNOCENCE OF WRONGDOING AND SAID HE WOULD NOT ACCEPT ANY FORM OF HOUSE ARREST. FORMAL CHARGES HAVE NEVER BEEN PLACED AGAINST DIOKNO, AND THERE HAVE BEEN FEW INDICATIONS THAT GOVT INTENDED TO BRING HIM TO TRIAL. RELEASE OF DIOKNO UNDER HOUSE ARREST, USING EXCUSE OF MEDICAL PROBLEMS, PRESUMABLY WOULD BE DESIGNED TO BLUNT CONTINUED FOREIGN AND DOMESTIC CRITICISM OF HIS INCARCERATION WHICH IS BELIEVED LOCALLY TO BE BASED ON MARKEDLY LESS SUBSTANTIAL EVIDENCE OF CRIMINAL ACTS THAN IN THE CASE OF FORMER SEN. BENIGNO AQUINO. SUCH ACTION WOULD MAKE MOOT AND RELIEVE ANY PRESSURES WHICH MIGHT BE GENERATED BY JUNE 29 PETITION OF FORMER SEN. LORENZO TANADA TO SUPREME COURT REQUESTING THAT DIOKNO EITHER BE RELEASED OR BROUGHT TO TRIAL. WHILE MEDICAL CONDITION TROUBLESOME FOR DIOKNO, SEVERAL SOURCES HAVE TOLD EMBOFFS THAT HE IS NOT SERIOUSLY ILL.
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